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Scandal Time

Can't anybody here shoot straight?

Scandal time is an odd time. After a slumber of 30 years, liberals wake up to find the Fifth Amendment something of an anachronism. And conservatives, recent champions of law and order, write in defense of lawbreaking, if the motives are lofty enough.

Liberals, once so enamored of the Fifth Amendment, now have discovered its inconvenience—just when Oliver North needs it. It turns out, you see, that the privilege against self-incrimination was created in the 16th century to protect free speech and religious liberty and, later, in the debates on the ratification of the Constitution, was identified with protection from torture and inquisition, and we're far past that in our history, so who needs it now that Lillian Hellman doesn't, and if Ollie North is such a hero why won't he fry for his country? Something like that.

Conservatives, on the other hand, are finding the law itself an encumbrance. Pat Buchanan, a man whose judgment is no match for his courage, compares Ollie North to Billy Mitchell and FDR. There are two issues here. Lawbreaking by private citizens (called civil disobedience) is fine, but only if they are willing to accept the legitimacy of the law in general and show it by going to jail. I don't think that is what Buchanan has in mind for North.

Lawbreaking by public officials is another thing altogether. There is no such thing as civil disobedience by a president. Presidential lawbreaking is either simple constitutional misconduct or, if the offenses are grave enough, high crimes and misdemeanors. One might make an exception for lawbreaking by government officials *in extremis*—like Lincoln's suspension of habeas corpus or FDR's skirting Congress to support Churchill during the Battle of Britain. But only *in extremis*. Nicaragua is important. But this is neither 1861 nor 1940.

Another peculiarity of scandal time is that any news, even good news, looks like bad news, simply because it is news. Unofficial CIA spokesman Bob Woodward (also of The Post) reported that, while the United States was sending arms to Iran, it was helping Iraq's air war by providing Iraq with detailed satellite intelligence about Iranian military and economic targets.

"A cynical attempt to engineer a stalemate," said an unnamed government official, as if cynicism about this Islamic replay of World War I is not the beginning of wisdom. In fact, there is not an interested country in the region (outside of Iraq, which, having started the ghastly slaughter, has little moral standing to complain about it) that does not want to see Iran ex-

hausted by this war, so as to diminish if not its penchant, then its capacity for doing mischief to its neighbors. Clandestine help to Iraq is the first sensible thing we have heard about American foreign policy in weeks.

But nay, "the latest disclosure was widely viewed as having further damaged the credibility of the Administration's claim to be neutral in the war," intones The New York Times. Big deal. One government is built on terror and torture. The other uses in battle a weapon—poison gas—even Hitler eschewed. Neutrality between such regimes should not mean washing one's hands. It should mean actively ensuring mutual exhaustion, two losers. And since for at least three years the only side capable of winning has been Iran, neutrality now means helping Iraq survive.

Why, then, did we sell arms to Iran? Ransom for the hostages, pure and simple. If only the administration had not been too clever by half, if the right hand had known what the left hand was doing, it might have offered a coherent explanation for its actions. Instead of the pseudo-Kissingerian fantasy that the arms were the tool of a grand Strategic Diplomatic Initiative (the president has a fondness for the acronym) to Iran, Reagan should have said that when he learned of the terrible torture death of American hostage and CIA agent William Buckley, he determined to do anything to save the other hostages from a similar fate. Anything turned out to be shipping arms. He let sentiment get the better of his judgment. That does not make his decision any less misguided or disastrous for our antiterrorism policy. But at least the explanation would have been plausible and the motive might have earned him a measure of sympathy.

Hostages. That is all this was about. No tilt to Iran. And to prove it . . . Mr. Woodward, would you step forward and repeat that again. Our intelligence assistance to Iraq more than counterbalanced the military significance of our shipment of arms to Iran.

Finally, a policy that makes sense. But—and this is yet another characteristic of scandal time—those caught up in the scandal are too frazzled to see it. Instead of welcoming the Iraqi revelation, an administration official ducked for cover, calling it merely "defensive" intelligence assistance. He might get an argument from the poor bastards under the surprise mid-August Iraqi bombing raid of the Iranian oil terminal at Sirri Island.

"Defensive." Like the 2,008 TOW missiles shipped to Iran. Won't someone around here try the truth? It is often plausible and always easier to memorize.